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March 24, 2020

**Via Electronic Submission**

United States Bankruptcy Court for the Western District of Pennsylvania  
5414 U.S. Steel Tower  
600 Grant Street  
Pittsburgh, PA 15219

Re: Debtor: 5171 Campbell Land Co LLC  
Petition #: 19-22715-CMB

Dear Sir or Madam,

Enclosed please find the following:

1. *Motion For Relief From Automatic Stay*

Should you have any questions please do not hesitate to contact my office.

Very Truly Yours,

*/s/ Ryan M. Flaherty*

Ryan M. Flaherty, Esq.

Enclosures

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

5171 Campbell Land Co LLC, Debtor

Case No. 19-22715-CMB  
Chapter 11

Vicki Friedman,

Movant,

V.

5171 Campbell Land Co.,

Respondent.

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

Now comes the Movant, Vicki Friedman, and hereby moves this Court pursuant to 11 U.S.C. § 362(d) for relief from the automatic stay entered in this action per 11 U.S.C. § 362(a) to permit her to pursue her bodily injury claim in the Clarion County Court of Common Pleas arising out of a slip and fall incident which took place on or about June 12, 2019 to the extent that the debtor, 5171 Campbell Land Co., or any insurance carrier, shall be financially responsible.

In support thereof, creditor Vicki Friedman states as follows:

1. This is a proceeding for relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and Fed. R. Bankr. P. 4001.
2. On July 8, 2019, Defendant 5171 Campbell Land Co., Inc. filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code.
3. Prior to the Petition Date, on July 31, 2019, Vicki Friedman filed claims in the Court of Common Pleas of Lawrence County against 5171 Campbell Land Co. for personal injuries arising out of a June 12, 2019 slip and fall incident at Perkins Restaurant located at 3334 Wilmington Rd, New Castle, PA 16105.

4. On August 19, 2019, Vicki Friedman filed a Praecipe to Reinstate her Complaint against 5171 Campbell Land Co. for personal injuries arising out of the June 12, 2019 slip and fall incident at Perkins Restaurant located at 3334 Wilmington Rd, New Castle, PA 16105.
5. This relief is sought for the limited purpose of enabling Vicki Friedman to continue to pursue her bodily injury tort claims against 5171 Campbell Land Co.
6. Any judgment or settlement of the claims would be funded by the Argo Insurance policy held by the Debtor.
7. Creditor, Vicki Friedman, submits that relief from the automatic stay should be granted for cause as contemplated by Section 362(d) of the Bankruptcy Code on account of, without limitation, the following reasons: Debtor will not be prejudiced by an order from this court lifting the automatic stay to the extent of the insurance carried by the debtor at the time of the incident, because if Creditor, Vicki Friedman, were to obtain a judgment against the Debtor within the insurance policy limits, said monies would be paid by the Argo Insurance policy held by Debtor, not by the Debtor. Therefore, such a judgment would not affect the assets of the Debtor's estate.

WHEREFORE, creditor, Vicki Friedman, moves this court for relief from the automatic stay so that she may pursue the bodily injury tort claims and a possible civil action against the debtor, 5171 Campbell Land Co., to the extent of any applicable liability insurance policy limits. Furthermore, Creditor Vicki Friedman moves the court to deny Debtor from being discharged to the extent their insurance company will be responsible for damages arising out of the June 12, 2019 incident at Perkins. A proposed order is attached hereto as Exhibit A.

Respectfully Submitted,  
Vicki Friedman, By her Attorney,

/s/Ryan M. Flaherty, Esquire  
Ryan M. Flaherty, PA ID# 314552  
Simon & Simon, PC  
707 Grant St. Suite 1200  
Pittsburgh, PA 15219  
724-471-8242  
RyanFlaherty@gosimon.com

Date: 3/24/2020

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

5171 Campbell Land Co LLC, Debtor

Case No. 19-22715-CMB  
Chapter 11

Vicki Friedman,

Movant,

V.

5171 Campbell Land Co.

Respondent.

**ORDER LIFTING AUTOMATIC STAY AS TO PERSONAL INJURY CLAIMS OF**  
**VICKI FRIEDMAN**

And now, this \_\_\_\_\_ day of \_\_\_\_\_, 2020, upon motion of personal injury claimant, Vicki Friedman for relief from the automatic stay under section 363 of the Bankruptcy code, it is hereby:

ORDERED that the Automatic Stay is LIFTED with respect to the bodily injury claims to proceed to the extent of any available bonds or insurance coverage including that afforded by Argo Insurance and that 5171 Campbell Land Co. is hereby denied discharge ability to the extent that Argo Insurance will be responsible for damages to Vicki Friedman arising out of the June 12, 2019 fall down incident at Perkins.

By the Court:

The Honorable

**CERTIFICATE OF SERVICE**

I, Marc I. Simon, attorney for plaintiff, certify that the foregoing Plaintiff's Motion for Relief from Automatic Stay was served via electronic mail on **March 24, 2020** upon the following:

*John Deasy, Esquire*  
[JFDeasy@MDWCG.com](mailto:JFDeasy@MDWCG.com)

*Debtor 5171 Campbells Land Co., Inc.*  
***Robert O Lampl, Esquire***  
Email: [rol@lampllaw.com](mailto:rol@lampllaw.com)

***U.S. Trustee***  
***Office of the United States Trustee***  
Norma Hildenbrand, Esquire  
On Behalf of the United States Trustee Office of the United States Trustee  
Email: [Norma.L.Hildenbrand@usdoj.gov](mailto:Norma.L.Hildenbrand@usdoj.gov)

Creditor Committee  
Official Committee Of Unsecured Creditors  
c/o Kirk B. Burkley, Esq.  
Robert S. Bernstein, Esq.  
Email: [rbernstein@bernsteinlaw.com](mailto:rbernstein@bernsteinlaw.com)

Respectfully Submitted,  
Vicki Friedman, By her Attorney,

                  /s/Ryan M. Flaherty, Esquire                    
Ryan M. Flaherty, PA ID# 314552  
Simon & Simon, PC  
707 Grant St. Suite 1200  
Pittsburgh, PA 15219  
724-471-8242  
[RyanFlaherty@gosimon.com](mailto:RyanFlaherty@gosimon.com)

Date: 3/24/2020

IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF  
PENNSYLVANIA

In re: :  
: Case No. 19-22715-CMB  
Vicki Friedman, : Chapter 11  
:   
Debtor(s). :  
Vicki Friedman, :  
Movant(s), :  
v. :  
:   
5171 Campbell Land Co., :  
Respondent(s). :

**NOTICE OF HEARING AND RESPONSE DEADLINE REGARDING MOTION OF VICKI  
FRIEDMAN FOR RELIEF FROM AUTOMATIC STAY (TELEPHONIC PROCEDURE  
EFFECTIVE MARCH 16, 2020)**

TO THE RESPONDENT(S):

You are hereby notified that the Movant seeks an order affecting your rights or property.

You are further instructed to file with the Clerk and serve upon the undersigned attorney for Movant a response to the Motion by no later than April 13, 2020 (*i.e.*, seventeen (17) days after the date of service below), in accordance with the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and the general procedures of the presiding judge as found on the Court's webpage at [www.pawb.uscourts.gov](http://www.pawb.uscourts.gov). If you fail to timely file and serve a written response, an order granting the relief requested in the Motion may be entered and the hearing may not be held. Please refer to the calendar posted on the Court's webpage to verify if a default order was signed or if the hearing will go forward as scheduled.

You should take this Notice and the Motion to a lawyer at once.

A **telephonic** hearing will be held on April 23, 2020, at 2:00 pm. before Judge Carlota M. Bohm. Only a limited time of ten (10) minutes is being provided on the calendar. No witnesses will be heard. If there is an issue of fact, an evidentiary hearing will be scheduled by the Court for a later date. Parties or counsel of record who intend to participate in the hearing shall appear **telephonically** and shall make arrangements as directed by Judge Bohm's Modified Telephonic Procedures at <http://www.pawb.uscourts.gov/procedures-1> at least 24 hours in advance.

Date of Service: March 24, 2020

Respectfully Submitted,

Vicki Friedman, By her Attorney,

/s/Ryan M. Flaherty, Esquire

Ryan M. Flaherty, PA ID# 314552  
Simon & Simon, PC  
707 Grant St. Suite 1200  
Pittsburgh, PA 15219  
724-471-8242  
Date: 3/24/2020

[RyanFlaherty@gosimon.com](mailto:RyanFlaherty@gosimon.com)

**CERTIFICATE OF SERVICE**

I, Marc I. Simon, attorney for plaintiff, certify that the foregoing Plaintiff's Motion for Relief from Automatic Stay, and Notice of Hearing was served via electronic mail, and the ECF docket on March 24, 2020 upon the following:

John Deasy, Esquire  
JFDeasy@MDWCG.com

Debtor 5171 Campbells Land Co., Inc.  
Robert O Lampl, Esquire  
Email: rol@lampllaw.com

U.S. Trustee  
Office of the United States Trustee  
Norma Hildenbrand, Esquire  
On Behalf of the United States Trustee Office of the United States Trustee  
Email: Norma.L.Hildenbrand@usdoj.gov

Creditor Committee  
Official Committee Of Unsecured Creditors  
c/o Kirk B. Burkley, Esq.  
Robert S. Bernstein, Esq.  
Email: rbernstein@bernsteinlaw.com

Respectfully Submitted,  
Vicki Friedman, By her Attorney,

/s/Ryan M. Flaherty, Esquire  
Ryan M. Flaherty, PA ID# 314552  
Simon & Simon, PC  
707 Grant St. Suite 1200  
Pittsburgh, PA 15219  
724-471-8242  
RyanFlaherty@gosimon.com

Date: 3/24/2020